

REMARKS

Reconsideration and allowance of the subject application are respectfully requested. By this Amendment, Applicant has canceled claim 3. Thus, claims 1, 2 and 4-10 are now pending in the application. In response to the November 18, 2005 Office Action, Applicant respectfully submits that the pending claims define patentable subject matter.

I. Preliminary Matters

Although the Examiner acknowledged the claim for foreign priority under 35 U.S.C. § 119, the Examiner did not acknowledge receipt of the certified copy of the priority document (by checking boxing 12(a)(1) on the Office Action Summary). Accordingly, the Examiner is requested to acknowledge receipt of the certified copy of the priority document in the next action.

The Examiner maintains that “[t]he title of the invention is missing in the declaration and as a result it is not clear to which application the declaration refers.” However, the declaration complies with 37 C.F.R. § 1.63 since it identifies the names of the inventors and the attorney docket number which was on the specification as filed. See MPEP 602VI.

The Examiner has objected to the drawings because “[i]t is not clear whether the object 3 in Fig. 1 is an antenna (pg. 6, line 5: the specification) or the Internet (line 9).” Applicant is submitting replacement drawings for Fig. 1 wherein the reference number for the antenna is changed from “3” to “10”.

The drawings are further objected to because the Examiner contends that “Fig. 2 does not show “the computer network 3” addressed in the specification (pg. 7, line 25) in reference to the figure.” However, Applicant respectfully submits that the objection to Fig. 2 is improper since the computer network 3 is shown in Figure 1. Further, there is no requirement that every element be repeatedly shown in each of the drawing figures.

The Examiner notes that the Declaration claims foreign priority based on a French application filed on June 8, 2000 while the first page of the specification indicates that the French application was filed on June 6, 2000. By this Amendment, Applicant is amending the specification to indicate that the French application was filed on June 8, 2000.

The Abstract is objected to because the Examiner contends that the phrases “access for and/or vis-à-vis users” and “that is shared or specific to” are not well understood and need to be clarified. By this Amendment, Applicant is amending the Abstract to address the Examiner’s concerns.

II. Rejections under 35 U.S.C. § 112

Claim 8 is rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement (i.e., the claim allegedly contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention). In particular, the Examiner asserts that “[t]he specification provides no guidance in teaching how signature analysis are conducted to determine if said data incorporates a signature characteristic of

restricted signaling rights.” However, Applicant respectfully submits that the enablement rejection is improper.

It is well settled that patent specifications and claims are addressed to men of ordinary skill in the art. It is also well settled that “[the applicant] may begin at the point where his invention begins, and describe what he has made that is new and what it replaces that is old. That which is common and well known is as if it were written out in the patent and delineated in the drawings.” *Webster Loom Co. v. Higgins et al.*, 105 U.S. 580, 586 (1882). The question under 35 U.S.C. § 112 is whether the specification and claims are sufficiently detailed to enable a man of ordinary skill in the art to construct the claimed invention and to determine from the claim language the scope of protection encompassed thereby.

As discussed in the specification at page, 3, lines 12-17 and page 10, lines 6-13, it is well known in the art to identify multimedia files with an SDMI (secure digital music initiative) signature which is used to monitor the use of the files after they are downloaded. That is, the SDMI signature may indicate, for example, the existence of restrictions on the use of the data that it accompanies (e.g., files can be downloaded subject to a payment, conferring rights for limited use).

Accordingly, Applicant respectfully submits that the specification and claim 8 are enabling and entirely proper under 35 U.S.C. § 112 since one of ordinary skill in the art would know how to perform signature analysis to determine if the data incorporates a signature characteristic of restricted signaling rights.

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Claims 1-10 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

By this Amendment, Applicant has amended the claims to improve clarity and address the Examiner's concerns.

In view of the above, the Examiner is requested to remove the § 112 rejections.

III. Prior Art Rejections

Claims 1-2 and 4-6 are rejected under 35 U.S.C. § 102(e) as being anticipated by Baker (U.S. Patent No. 5,961,645). Claims 3 and 9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Baker in view of McClain et al. (U.S. Patent No. 6,772,214; hereafter "McClain"). Claim 7 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Baker in view of Logan (U.S. Patent No. 5,721,827). Claim 10 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Baker in view of Microsoft Press (Computer Dictionary, 3rd edition, 1997, ISBN: 157231446X). Applicant respectfully traverses the prior art rejections.

By this Amendment, Applicant has amended independent claims 1 and 10 to incorporate the subject matter of dependent claim 3. Thus, claims 1 and 10 now recite that "if it is determined as a result of said filtering that said multimedia data stream received from said computer network is not to be transmitted to said terminal, said multimedia data stream is retained for comparison with subsequent multimedia data stream to accelerate said filtering in the case of identical data."

With regard to independent claims 1 and 10, the Examiner maintains that Baker discloses all of the features of the claimed invention.¹ With regard to the subject matter of dependent claim 3, the Examiner cites McClain at col. 6, lines 22-45 for allegedly disclosing “retaining data so that it can be compared with data of a subsequent stream” (claim 3). However, Applicant respectfully submits that it is quite clear that McClain does not disclose retaining multimedia data stream for comparison with subsequent multimedia data stream to accelerate filtering in the case of identical data if it is determined as a result of the filtering that the multimedia data stream received from the computer network is not to be transmitted to the terminal, as claimed. Instead, McClain simply discloses that if URL content is already available within a proxy cache server it will be stored as an entry in an object cache.

“To support the conclusion that the claimed invention is directed to obvious subject matter, either references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the reference.” *Ex parte Clapp* 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985). However, in the present case, the secondary reference McClain does not provide any teachings which would motivate of one of ordinary skill to modify Baker to include the claimed features which are concededly missing therefrom.

¹ With regard to claim 10, the Examiner simply cites the Microsoft Press article for disclosing accessing a computer network via a service provider.

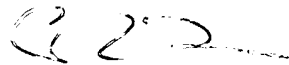
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Accordingly, Applicant respectfully submits that independent claims 1 and 10, as well as dependent claims 3-9, should be allowable because the cited references do not teach or suggest all of the features of the claims.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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23373

CUSTOMER NUMBER

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AMENDMENTS TO THE DRAWINGS

Fig. 1 has been amended to change the reference number for the antenna from “3” to “10”.

Attachment: 1 Replacement Sheet